

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK  
CENTRAL ISLIP COURTHOUSE

MATTHEW ACTON, individually, and on  
behalf of all other similarly situated persons,

Plaintiffs,

vs.

INTELLECTUAL CAPITAL  
MANAGEMENT, INC. D/B/A SMS  
MASTERMINDS and SPENDSMART  
NETWORKS, INC.,

Defendants.

Case No 2:15-cv-04004-JS-ARL

Honorable Joanna Seybert

**NOTICE OF DECISION IN *SPOKEO,*  
*INC. V. ROBINS***

Pursuant to the Court's December 28, 2015 Memorandum and Order (Dkt. No. 28, at \*8), the undersigned counsel hereby notifies the Court that the United States Supreme Court issued its decision in *Spokeo, Inc. v. Robins*, No. 13-1339. A true and correct copy of the decision is attached hereto as **Exhibit A**.

Dated: May 20, 2016

BLANK ROME LLP

By: /s/ Harrison Brown  
Harrison Brown (Admitted *pro hac vice*)  
2029 Century Park East, 6th Floor  
Los Angeles, CA 90067  
Tel: 424.239.3400  
Fax: 424.239.3434  
Email: HBrown@BlankRome.com

Rither Alabre  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174  
Tel: 212.885.5000  
Fax: 212.885.5001  
Email: RAlabre@BlankRome.com

*Attorneys for Defendants Intellectual Capital  
Management, Inc., d/b/a SMS Masterminds and  
Spendsmart Networks*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via the Court's CM/ECF system on this 20th day of May, 2016, on all counsel or parties of record, as listed below.

By: /s/ Harrison Brown  
BLANK ROME LLP  
Harrison Brown (Admitted *pro hac vice*)  
2029 Century Park East, 6th Floor  
Los Angeles, CA 90067  
Tel: 424.239.3400  
Fax: 424.239.3434  
Email: HBrown@BlankRome.com

Erik H. Langeland  
Erik H. Langeland, P.C.  
733 3rd Avenue, 15th Floor  
New York, NY 10017  
Tel: 212.354.6270  
Fax: 212.898.9086  
Email: elangeland@langelandlaw.com